

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

-----X
SANOPHIA STOKES,

Plaintiff,

-against-

TARGET CORPORATION,

Defendant.

Docket No.: 1:21-cv-
03030 (MKB) (TAM)

ANSWER

**DEFENDANT
DEMANDS TRIAL BY
JURY**

-----X

The Defendant, TARGET CORPORATION, as and for its Answer to Plaintiff's Verified Complaint, states as follows:

1. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "1" of the Complaint.
2. Denies each and every allegation contained in the paragraphs of the Complaint designated "2" and "3".
3. Admits the allegation set forth in the paragraph of Plaintiff's Complaint designated "4".
4. Denies each and every allegation contained in the paragraph of the Complaint designated "5".
5. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraphs "6", "7", "8" and "9" of the Complaint.
6. Admits the allegation set forth in the paragraph of Plaintiff's Complaint designated "10".
7. Denies each and every allegation contained in the paragraphs of the Complaint designated "11" and "12".

8. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraphs “13”, “14”, “15”, “16”, “17”, “18”, “19”, “20”, “21”, “22”, “23” and “24” of the Complaint.

9. Denies each and every allegation contained in the paragraphs of the Complaint designated “25”, “26”, “27”, “28”, “29”, “30”, “31” and “32”.

10. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “33” of the Complaint and refer all questions of law to the Court.

11. Denies each and every allegation contained in the paragraphs of the Complaint designated “34” and “35” and refer questions of law to the Court.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

12. All limitations of liability made available by Article 16 of New York’s C.P.L.R. may apply to the Defendant.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

13. Upon information and belief, any past or future costs, expenses, or damages incurred or which will be incurred by the Plaintiff as alleged in the Verified Complaint, have been or will be, with reasonable certainty, replaced or indemnified in whole or in part from a collateral source as that term is defined in Section 4545 of New York’s C.P.L.R. By reason of the foregoing, if any damages are recoverable against the Defendant, the amount of any such damages must be diminished by the amount of the reimbursement or indemnification which Plaintiff has or shall receive from such collateral source.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

14. All or part of the damages allegedly sustained by the Plaintiff were caused by Plaintiff’s culpable conduct and through Plaintiff’s negligence and careless acts or omissions, and Plaintiff’s

damages, if any, should be diminished in accordance with the degree of culpability and fault attributed to Plaintiff, as provided under C.P.L.R. 1411.

AS AND FOR A FOURTH AFFIRMATIVE DEFENSE

15. The injuries and damages allegedly sustained by the Plaintiff were caused solely by the Plaintiff's own culpable and negligent conduct and were not caused nor contributed to by reason of any negligence or other omission or act on the part of the Defendant.

AS AND FOR A FIFTH AFFIRMATIVE DEFENSE

16. If the Plaintiff sustained any damages as alleged in the Verified Complaint or otherwise as may be shown, then in that event such damages were solely and proximately caused by the independent, intervening or superseding acts or omissions of other parties or persons for whose conduct the Defendant is not liable or responsible.

AS AND FOR A SIXTH AFFIRMATIVE DEFENSE

17. The damages sustained by the Plaintiff, if any, were caused by the negligence and carelessness of some third-person over whom the Defendant had neither control nor responsibility.

AS AND FOR A SEVENTH AFFIRMATIVE DEFENSE

18. The Plaintiff is barred from recovery of damages, or any recovery of damages must be reduced, by reason of the Plaintiff's failure to mitigate damages.

AS AND FOR A EIGHTH AFFIRMATIVE DEFENSE

19. The Verified Complaint fails to state a claim upon which relief may be granted.

AS AND FOR A NINTH AFFIRMATIVE DEFENSE

20. All the risks, dangers and hazards involved and presented at the time and place mentioned in the Verified Complaint, if any, were open, obvious, and apparent and were known

to and assumed by the Plaintiff here, and Plaintiff willingly and voluntarily assumed the risks and dangers thereof.

WHEREFORE, the Defendant, TARGET CORPORATION, demands judgment dismissing the Plaintiff's Verified Complaint, together with the costs, disbursements and attorneys fees herein, together with such other and further relief this Court may deem just and proper.

Dated: New York, New York
May 28, 2021

CONNELL FOLEY



MICHAEL J. CROWLEY, ESQ.
SAMANTHA M. DIORIO, ESQ.

Attorneys for Defendant

TARGET CORPORATION
888 Seventh Avenue, 9th Floor
New York, NY, 10106
(212) 307-3700
mcrowley@connellfoley.com

TO: DEAN N. LIAKAS, ESQ.
LIAKAS LAW, P.C.
Attorneys for Plaintiff
SANOPHIA STOKES
65 Broadway, 13th Floor
New York, New York, 10006
(212) 937-7765

AFFIDAVIT OF SERVICE

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

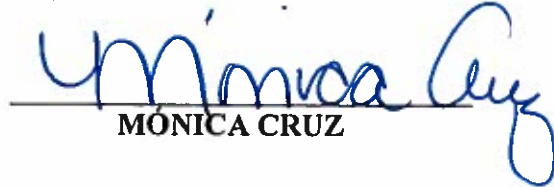
MÓNICA CRUZ, being duly sworn, deposes and says:

Deponent is not a party to the action, is over 18 years of age and is employed at 888 Seventh Avenue, 9th Floor, New York, New York:

On May 28, 2021, deponent served the within ANSWER upon:

DEAN N. LIAKAS, ESQ.
LIAKAS LAW, P.C.
Attorneys for Plaintiff
SANOPHIA STOKES
65 Broadway, 13th Floor
New York, New York, 10006
(212) 937-7765

being the addresses designated by said attorneys/parties for that purpose by depositing a true copy of same enclosed in a postpaid properly addressed wrapper in a post office official depository under the exclusive care and custody of the United States Postal Service within the State of New York.


MÓNICA CRUZ

Sworn to before me this:
28th day of May, 2021.


Notary Public

Samantha Mary Diorio
Notary Public, State of New York
No. 02DI6358912
Qualified in New York County
Commission Expires 5/15/25

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

Docket No.: 21-cv-03030 (MKB)(TAM)

SANOPHIA STOKES,

Plaintiff,

-against-

TARGET CORPORATION,

Defendant.

ANSWER

CONNELL FOLEY LLP

Attorneys for Defendant

TARGET CORPORATION

888 Seventh Avenue - 9th Floor

New York, New York 10106

Tel.: (212) 307-3700

Fax: (212) 262-0050